



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



STRUCTURAL PEST CONTROL COMMISSION HEARING

July 30, 2008

9:00 a.m.

Veterans Memorial Auditorium

5825 Florida Boulevard

Baton Rouge, LA 70806

Minutes

**Agricultural &
Environmental
Sciences**

P.O. Box 3596
Baton Rouge,
LA 70821
(225) 925-3770
Fax: 925-3760

**Agro-Consumer
Services**

P.O. Box 3098
Baton Rouge,
LA 70821
(225) 922-1341
Fax: 923-4877

**Animal Health
Services**

P.O. Box 1951
Baton Rouge,
LA 70821
(225) 925-3962
Fax: 925-4103

Forestry

P.O. Box 1628
Baton Rouge,
LA 70821
(225) 925-4500
Fax: 922-1356

**Management
& Finance**

P.O. Box 3481
Baton Rouge,
LA 70821
(225) 922-1255
Fax: 925-6012

Marketing

P.O. Box 3334
Baton Rouge,
LA 70821
(225) 922-1277
Fax: 922-1289

**Soil & Water
Conservation**

P.O. Box 3554
Baton Rouge,
LA 70821
(225) 922-1269
Fax: 922-2577

CALL TO ORDER

The meeting was called to order at 9:28 am by Mr. Fred Bass.

ROLL CALL

The roll was called by Ms. Anderson.

Members present: Fred Bass designee for Commissioner Mike Strain, Todd Parker, Dan Foster, Dr. David Boethel, and Bob Kunst.

Others present: David Fields, LDAF, Larry LeJeune, LDAF, Bobby Simoneaux, LDAF, Brady Purpera, LDAF, Mary Anderson, LDAF, Marvin Montgomery, LDAF Counsel and Lindsey Hunter, Assistant Attorney General.

AMENDMENTS TO THE AGENDA

None

PUBLIC COMMENT

None

APPROVAL OF MINUETS

Motion: A motion was made by Dr. Boethel to approve the proceedings from the April 9, 2008 meeting. This motion was seconded by Mr. Todd Parker and passed unanimously.

TRAVEL EXPENSE REPORTS

Mr. Bass asked that the Commission members turn in their expense reports to Ms. Anderson.

PUBLIC COMMENTS

None

OLD BUSINESS

Craig Gannuch, LDAF responded to questions that arose about the budget at the April 9, 2008 meeting.

Massey Services: Adam Jones

Motion: Mr. Foster made a motion to have the staff draft and make revisions to the regulations clarifying that preventative treatment for powder post beetles and house borers are not permitted under the rules and regulations. This motion was seconded by Dr. Boethel and passed unanimously.

Commissioner of Agriculture Mike Strain addressed the commission.

NEW BUSINESS

Warranty – A question from the April 9, 2008 commission hearing on whether a termite contract can be issued stating that infestation in future will be treated without initial treatment. Mr. Montgomery answered the question from the previous commission meeting and gave his legal opinion as that you cannot have written contract without having previous treatment.

Call Centers – Mr. Purpera reported the staff has researched the Call Center request from the April 9, 2008 commission meeting. The company in question has a off site answering service that refers calls to the branch for follow-up and the answering service has approval from LDAF per regulations.

Research Committee Report – Mr. Fields gave a report on the June 19, 2008 committee meeting. Mr. Fields reported that the committee passed a motion to encourage LSU to continue their research in the subterranean termites and a motion to ask the commission to add Baton Rouge area to the mapping of Formosan termites.

LDAF REPORTS

Larry LeJeune gave an overview of future meetings that will have informative educational presentations that will review all aspects of Agriculture and Environmental Sciences. Mr. LeJeune gave an update on the new website expansion of services with direct entry to be made available. Because of the budgetary constraints of the department the staff would ask the commission to discuss areas of existing fee structure increase that would be able to fund the process of direct entry. Mr. LeJeune stated the commission needs to be aware that the Governors office by executive order and the Commissioner's office by his established goals and directives, there is an initiative to have transparency of all we do. All committees meetings of the commission are posted.

Motion: Mr. Kunst made a motion to create a sub committee to work with staff in writing all rules and regulations to promote and encourage stakeholder involvement with complete transparency. This motion was seconded by Mr. Parker and passed unanimously.

New Orleans Mosquito Control - Dr. Claudia Reigal and Dr. Ken Brown gave a presentation on Formosan Populations.

LPMA – Jay Burchfield

Mr. Burchfield addressed the commission and had four items from the review committee to discuss. Mr. Burchfield asked the commission to refer to the draft of these four items. (1) In 103B of the rules and regulations the State Entomologist requirement to be changed to Assistant Commissioner. (2) In 109 D of the rules and regulations provides for a waiver of the requirement of the affidavit, statement upon submission of a notarized statement and verification by the Department to the commission of the applicant's experience in pest control work. Any applicant who is no approved will be notified of the commission decision and will not be admitted to the examination. (3) In 109J of the rules and regulations an applicant shall be disqualified from completing an examination or taking any other examination administered under these rules and regulations if the applicant is caught or found cheating on an examination or using any written materials, electronic devices or other measures during an examination, which have not been authorized or allowed by the director or person administering the examination. (4) The recommendation on rules and regulations on borate treatments and stand alone bait for preconstruction. The committee made the recommendation that no changes be made and continue with the 24C on borate.

Motion: A motion was made by Mr. Kunst to approve the Review Committee recommendations and begin adoption process. This motion was seconded by Mr. Foster and passed unanimously.

Motion: Mr. Parker made a motion to appoint Larry LeJeune, David Fields, Brady Purpera, Bob Kunst and Dan Foster to the Rules Committee. This motion was seconded by Dr. Boethel and passed unanimously.

Lindsey Hunter discussed Act 685 of the 2008 Legislature.

BAIT COMMITTEE REPORT – Dan Foster

Whitmire Micro-Gen – Jonathan Berger

Advanced Termite II

Mr. Foster reported that the committee recommended approval of the Prescription Treatment Brand Advanced Termite Bait II Motion,

Motion: Mr. Foster made a motion approve the Prescription Treatment brand Advanced Termite Bait II label. This motion was seconded and passed unanimously.

Advanced Termite Compressed Bait AG

Mr. Foster reported that the committee recommended approval of the Prescription Treatment Brand Advanced Termite Compressed Bait AG.

Motion: Mr. Foster made a motion to approve the Advanced Termite Compressed Bait AG and that it is placed in the Pilot program. This motion was seconded and passed unanimously.

Dow Agro Sciences – Presentation on monitoring intervals. The Bait committee agrees that the monitoring interval be increased to 65 days.

Motion: Mr. Foster made a motion to have this referred to staff to begin the process. This motion was seconded by Mr. Kunst and passed unanimously.

LABELS FOR APPROVAL – Bobby Simoneaux

Ensytex - Ken Kendall

Prothor SC2

Motion: Mr. Foster made a motion to approve the changes to this label. This motion was seconded by Mr. Kunst and passed unanimously.

Borathor Plus & Borathor Max

Mr. Kunst asked that changes be made to the label and research on the use of this product on the termites in Louisiana.

Motion: Mr. Kunst made a motion not to approve these labels. This motion was seconded by Dr. Boethel and passed unanimously.

Isophor Termite Bait

Motion: A motion was made by Mr. Foster to approve the changes to this label. This motion was seconded by Mr. Kunst and passed unanimously.

Mr. Charles Beasley addressed the commission. Mr. Beasley discussed the movement of mobile homes from quarantine areas. The staff will check on the mobile home movement in accordance with the quarantine.

ADJUDICATORY HEARING

Mr. Bass turned the meeting over to Ms. Lindsey Hunter, Assistant Attorney General.

Cline Richoux, Case No. 1176

Mr. Richoux was sworn in by Ms. Hunter. Mr. Montgomery presented the case for the department. Mr. Richoux was charged with eight (8) violations.

Motion: Mr. Kunst made a motion to find Mr. Richoux in violation of all charges. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Fields gave the department recommendation to suspend the registration as a technician for a period of three years effective July 30, 2008. At the end of the three year period Mr. Richoux may apply to the Commission for the lifting of the suspension. Respondent may not apply for any other license, registration, or permit issued by the Commission for the same three year period. Respondent may thereafter apply for a license, registration, or permit, but must personally appear before the Commission for the commission to review and decide on the application.

Motion: Mr. Kunst made a motion to accept the penalty as read. This motion was seconded by Mr. Foster and passed unanimously.

Mr. Montgomery presented a proposed finding of facts and conclusion of law to the Commission. Mr. Richoux had no objection to this finding of fact and conclusion of law.

William Owens, Case No. 1189

Mr. Owens was sworn in by Ms. Hunter. Mr. Owens was charged with one (1) violation. Mr. Montgomery presented the case for the department. Mr. Owens testified that he has entered into a stipulation with the department. Mr. Owens agreed to the stipulated fine of \$500. Mr. Fields read the stipulation.

Motion: Mr. Foster made a motion to accept the stipulation as read. This motion was seconded by Dr. Boethel and passed unanimously.

Mr. Montgomery asked that the commission accept the stipulation as the finding of fact and conclusion of law.

Donald Davis, Case No. 1190

Mr. Davis was sworn in by Ms. Hunter/. Mr. Davis was charged with 1 violation. Mr. Montgomery presented the case for the department. Mr. David testified that that he has entered into a stipulation with the department. Mr. Davis agreed to the stipulated fine of \$500. Mr. Fields read the stipulation.

Motion: Mr. Foster made a motion to accept the stipulation as read. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Montgomery asked that the commission accept the stipulation as the finding of fact and conclusion of law.

Donald Maille, Case No. 1191

Mr. Maille was sworn in by Ms. Hunter. Mr. Montgomery presented the case for the department. Mr. Maille was charged with 8 violations. Mr. Maille testified that he has entered into a stipulation with the department. Mr. Maille agreed to the stipulated fine of \$4000 and audit of records, with \$2000 of the fine suspended for a payable fine of \$2000 to be paid in 12 monthly installments beginning August 1, 2008.

Motion: A motion was made by Mr. Kunst to accept the stipulation as read. This motion was seconded by Dr. Boethel and passed unanimously.

Robert Conn, Case No. 1192 – Continued

Greg Howze, Case #1214

Mr. Howze was sworn in by Ms. Hunter. Mr. Howze was sworn in by Ms. Hunter. Mr. Montgomery presented the case for the department. Mr. Howze was charged with 2 violations.

Motion: A motion was made by Dr. Boethel to find Mr. Howze in violation as charged and accept the finding of fact and conclusion of law. This motion was seconded by Mr. Foster and passed unanimously. Mr. Fields read the department penalty recommendation. The recommendation is that the suspended portion from Case No. 1064 to become due and payable, revoke Mr. Howze place of business license, suspend his Structural Pest Control Operator license until all civil penalty and fees are paid. After all civil penalties and fees are paid to the department; Mr. Howze can apply to the commission for lifting of the suspension and granting of a place of business permit.

Motion: Mr. Foster made a motion was made to accept the penalty as recommended by the department. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Montgomery asked that the commission accept the finding of fact and conclusion of law.

Ms. Hunter turned the meeting back to the Chairman.

Mr. Fields requested the Commission hear comments from Ms. Jan Coleman and her Attorney, Mr. Gordon Roundtree at this time.

Gordon Roundtree, Attorney for Jan Coleman. Mr. Roundtree asked the commission to reconsider the decision in Mr. Donald Davis and William Owens case. Ms. Coleman addressed the commission and expressed her concern on the out come of the Owens and Davis case and asked that she be told what the stipulations of Mr. Davis and Mr. Owens said.

The chairman recessed the meeting at this time for 1 hour.

LICENSEE APPLICATIONS
STRUCTURAL PEST CONTROL LICENSEE APPLICANTS
July 30, 2008

APPLICANT	PHASES APPROVED	PHASES NOT APPROVED
Michael Bergeron	GPC, CVC,	TC
Christopher Blanco	TC	
Toby Breaux	TC	
Jeremy Ross Calais	GPC, TC	
Charles Cerbini	GPC, TC	
Burt M. Foster	GPC, TC	
Brent Paul Guidry	GPC, TC	
J. Michael Jolicoeur	GPC, TC	
Leslie D. Mulkey, III	GPC, CVC, TC	
Michael David Parker	GPC, TC	
Sedrick Perkins	GPC, CVC	
Steven Persigo	CVC	
Perry Petrey	GPC	
Larry Rivers	GPC, CVC	
Monte Coy Thames		GPC, CVC, TC
Mario Vice	TC	

FINANCIAL STATEMENT

Mr. Fields presented the financial statement.

OTHER BUSINESS

Mr. Fields presented the status report.

FUTURE MEETINGS

The staff recommendation for the next commission meeting is October 8, 2008.

ADJOURNMENT

Motion: Mr. Parker made a motion to adjourn. This motion was seconded by Mr. Foster and passed unanimously.